

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff,

v.

Case No. 22-cr-20264

Honorable Robert H. Cleland

D-1 Daeshawn Tamar Posey,

Defendant.

Stipulated Preliminary Order of Forfeiture

Plaintiff, by and through its undersigned attorney, together with the defendant, Daeshawn Posey, by and through his attorney, Patrick E. Nyenhuis, (collectively, the Parties), submit this Stipulated Preliminary Order of Forfeiture to the Court for immediate entry. Defendant Daeshawn Posey has consulted with his attorney and concurs in this stipulation. The Parties stipulate and agree to the following:

On May 23, 2022, an Information was filed charging the defendant in Count One with Conspiracy to Commit Wire Fraud in violation of 18 U.S.C. § 1349 and in Count Two with Conspiracy to Commit Mail Fraud in violation of 18 U.S.C. § 1349. (ECF No. 55). On July 22, 2022, a First Superseding Information was filed charging the defendant in Count One

with Conspiracy to Commit Wire Fraud in violation of 18 U.S.C. § 1349 and in Count Two with Conspiracy to Commit Mail Fraud in violation of 18 U.S.C. § 1349. (ECF No. 68).

On July 28, 2022, the defendant entered into a Rule 11 Plea Agreement (Rule 11) and pleaded guilty to Counts One and Two of the First Superseding Information. (ECF No. 74, PageID.227).

Forfeiture Money Judgment: In the defendant's Rule 11 Plea, the defendant agreed to the entry of a forfeiture money judgment against him in favor of the United States. The money judgment shall be in the amount of \$564,661, representing the amount of proceeds obtained by the defendant through his violations of Counts One and Two of the First Superseding Information. The defendant agreed that the forfeiture money judgment may be satisfied, to whatever extent possible, from any property owned or under the control of the defendant. To satisfy the money judgment, defendant explicitly agreed to the forfeiture of any assets he has now, or may later acquire, as substitute assets under 21 U.S.C. § 853(p)(2) and waived and relinquished his right to oppose the forfeiture of substitute assets under 21 U.S.C. § 853(p)(1) or otherwise. The Forfeiture Money Judgment shall be reduced by the proceeds of the

Subject Assets ultimately forfeited to the United States.

The defendant agrees, pursuant to 18 U.S.C. § 981(a)(1)(C) together with 28 U.S.C. § 2461, to forfeit to the United States any and all property, real or personal, which constitutes proceeds obtained or derived, directly or indirectly, from the defendant's violations of 18 U.S.C. § 1349, including but not limited to the defendant's interest in the following assets:

1. \$2,917.00 U.S. Currency;
2. Miscellaneous Jewelry:
 - 10kt rose and white gold cuban link diamond necklace set;
 - 10kt white gold diamond cuban link necklace set;
 - Case No 7933 #774382 Audemars Piguet Royal Oak Offshore chronograph automatic watch;
 - 14kt white gold diamond engagement style diamond ring, pear shaped head, overall ring set;
3. Miscellaneous Designer Shoes and Hats:
 - Louis Vuitton Run Away Sneaker 'Denim' Low Top Sneakers, Size 7, # LD 0290;
 - Louis Vuitton Women's Archlight 'SINCE 1854' Sneakers Size 38 # GO 0211 Monogram Flowers;
 - Louis Vuitton Trainer 'Blue' SS21 Sneakers, Size 6, # MS 0211. Gold-tone signature logo;
 - Adidas Yeezy Boost 350 V2 'Zebra' Sneakers Size 7, #CP9654 Upper white/core black;
 - Chanel Black & White Tweed Sport Runner Sneakers (SS21) Size 11b #G34360. Black tweed;

- Dior Green Oblique 'B27' Sneakers, Size 40, # DC 04 21. Green leather shell;
- Balenciaga 'Triple Black' Track Sandal, Size 39, # 617542. Black neoprene and rubber;
- Gucci Black Suede 'Screener' Sneakers, Size 6, # 576223. Black suede and canvas upper;
- Men's Disney x Gucci 'Donald Duck' Rhyton Sneakers, Size 7, # 646509. Neutrals Leather;
- Gucci x Disney 'Donald Duck' Trucker Hat, Size Adjustable, #6488434HACR. Beige canvas;
- Dior B22 'White Pink' Sneakers, Size 40 #3SN231ZKZ H365. White and purple technical mesh;
- Chanel Low Top Trainer 'CC Triple White' Sneakers Size 41 #G33745. White leather and suede;
- Dior Grey Oblique 'B27' Sneakers, Size 40, # 3SN272ZIR H165. Grey leather upper;
- Gucci Black 'Flashtrek' Sneakers, Size 7 #543149 GGZ80 1079 Black leather suede and mesh;
- Louis Vuitton Since 1854 LV Monogram Bucket Hat #T00261 MP2828 Cotton fabric;
- Prada Cloudbust Thunder Knit 'White' Sneakers, Size 40, #2EG293. Knit fabric and rubber;
- Valentino Garavani 'VLTN' Giggies High Fabric Sneakers Size 40 #TUD51Y2. Black and white;
- Moncler Emilien Sneakers Size 40 #A 4M700 Black low top stretch-knit with rubber details;
- Christian Louboutin Black Leather High-Top 'Louis' Sneakers Size 41 #3091177;
- Gucci Ultrapace 'Rock Tejus Printed' Sneakers, Size 7, # 592345. Multicoloured;
- Dior B22 'Blue White Grey' Sneakers, Size 39, # 3SN231ZHJ H069. White mesh, and leather;

- Valentino Garavani Rockrunner Camouflage Sneakers, Size 41 #TV723Y2. Mesh paneled design;
 - Versace Achilles 'Leopard Multi' Sneakers, Size 41, #DSU6988 D5MTG DMCOH. Multi-colored;
 - Dior B22 'White Red' Sneakers, Size 40, #3SN231YRK H360. White mesh on the top toe;
 - Dior B22 'Violet White' Sneakers Size 40 #3SN231YRK HO65. White mesh upper purple leather;
 - Chanel Low Top Trainer 'CC Logo' Sneakers, Size 40, #G38229. Fabric & Suede Calfskin;
 - Gucci 'Ace' Sneakers, Size 6, # 386750. White leather upper; green and red textile stripe;
 - Christian Louboutin Rantulow Orlato 'Metallic Lurex Flame' Sneakers, Size 40, # 1200994;
 - Dior B23 Low 'Dior Oblique' Sneakers Size 40 #3SN249YJP HO69. White leather outsole;
 - Dior B23 Low 'Dior and Shawn Print' Sneakers, Size 40, # 3SN249YYL H661. Yellow and green;
 - Christian Louboutin Spike Sock 'Black' Sneakers Size 40 #1190270B026 Black neoprene fabric;
4. Windham Weaponry Inc. WW-15 556 caliber Rifle with magazine SN: YE003730;
 5. Twenty-Four (24) Rounds of 5.56mm cartridges;
 6. Glock-43 9 caliber pistol with magazine SN: ZNF048;
 7. Eight (8) Rounds of 9mm cartridges;
 8. Zastava Arms ZPAP92 762 caliber Pistol with magazine SN: Z92-079302;
 9. Twelve (12) Rounds of 7.62mm cartridges;
 10. Masterpiece Arms MPA Defender 9 caliber Pistol with magazine and un-serialized suppressor SN: FX14992;

11. Fifteen (15) Rounds of 9mm cartridges;
12. Three (3) magazines;
13. Nineteen (19) rounds of 7.62 cartridges;
14. Five (5) rounds of .380 cartridges; and
15. 2017 BMW 750xi, VIN: WBA7F2C52HG21881

(“Subject Assets”).

The defendant agreed to the entry of one or more orders of forfeiture, including the entry of a Preliminary Order of Forfeiture, incorporating the forfeiture of the above referenced property following defendant’s guilty plea, upon application by the United States as mandated by Fed. R. Crim. P. 32.2. The defendant acknowledged that he understands that the forfeiture of assets is part of the sentence that may be imposed in this case and waived any failure by the court to advise him of this, pursuant to Rule 11(b)(1)(J), at the time his guilty plea was accepted.

The defendant further agreed to waive any challenge to the forfeiture based upon the Excessive Fines Clause of the Eighth Amendment to the United States Constitution.

The defendant agreed to hold the United States and its agents and employees harmless from any claims whatsoever in connection with the

seizure and forfeiture of any property.

The defendant's counsel, Patrick Nyenhuis, affirms that he has discussed the forfeiture of the Subject Assets with the defendant and that the defendant consents to the entry of an order forfeiting the Subject Assets.

Based on the defendant's guilty plea and Rule 11, this Stipulation, and other information in the record, and pursuant to 18 U.S.C. § 981(a)(1)(C) together with 28 U.S.C. § 2461, and Federal Rule of Criminal Procedure 32.2, **IT IS HEREBY ORDERED THAT:**

1. Defendant Daeshawn Posey's interest in the Subject Assets **IS HEREBY FORFEITED** to the United States of America pursuant to 18 U.S.C. § 981(a)(1)(C) together with 28 U.S.C. § 2461, and Federal Rule of Criminal Procedure 32.2. Further, any right, title, or interest of the defendant and his successors and assigns in the Subject Assets is hereby and forever **EXTINGUISHED**.
2. Upon entry of this order, the United States shall publish on www.forfeiture.gov, notice of this preliminary forfeiture order and of its intent to dispose of the Subject Assets in such manner as the Attorney General may direct, pursuant to 21 U.S.C. § 853(n). Said

notice shall direct that any person, other than the defendant, asserting a legal interest in the Subject Assets may file a petition with the Court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier. The petition shall be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in the Subject Assets. The petition must identify petitioner's alleged right, title, or interest in the Subject Assets, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the Subject Assets, any additional facts supporting the petitioner's claim, and the relief sought. The United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in the Subject Assets.

3. A personal forfeiture money judgment in the amount five hundred sixty-four thousand, six hundred sixty-one dollars (\$564,661) is entered against Defendant Daeshawn Posey in favor of the United States.
4. Pursuant to Federal Rule of Criminal Procedure 32.2(b)(4), this

Order shall become final as to the defendant at sentencing. If no third party files a timely claim, this Order shall become the Final Order of Forfeiture, as provided by Rule 32.2(c)(2).

5. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Rule 32.2.

Agreed as to form and substance:

DAWN N. ISON
United States Attorney

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Dated: November 16, 2022

Dated: December 19, 2022

IT IS SO ORDERED.

Dated: December 20,
2022

s/Robert H. Cleland
Hon. Robert H. Cleland United States
District Judge